



**The Chambers at City Center
8534 Main Street – Woodstock, Georgia**

**Regular Meeting of the Planning Commission
DRAFT MINUTES
April 4, 2013 Thursday, 7:00 PM**

Item 1: PLEDGE OF ALLEGIENCE

Item 2: CALL TO ORDER

In Attendance: John Szczesniak, Jay Evans, Judy Davila, James Drinkard, Jeff Wood, K. Scott Gordon. **Absent:** Lee Zell

Staff: Community Development Director Jessica Guinn, Zoning Administrator Patti Hart

Item 3: APPROVAL OF MINUTES

A) Approval of March 7, 2013 Regular Meeting Minutes

MOTION TO APPROVE THE MARCH 7, 2013 MINUTES AS WRITTEN.

By Judy Davila

2nd Jay Evans

Motion to approve passes by unanimous vote

Item 4: PETITIONS AND COMMUNICATIONS

- A) PUBLIC HEARING-** the City of Woodstock, Georgia has received a Variance application from Panda Restaurant Group, Inc. of Rosemead CA (**Case V#109-13**). The property is located at Outparcel #5 of the Outlet Shoppes of Atlanta in Woodstock, Georgia consisting of ±1.42 acres. The property is identified as a portion of tax map and parcel number 15N17 001G currently zoned Light Industrial with the Technology Park Overlay District Zoning in the City limits of Woodstock, GA. The request is for variances to condition of V#101-11 H and I (1, 2 &5) to accommodate a drive thru restaurant on outparcel #5 and to LDO Sec 7.948 Architectural Standards.

Jessica Guinn presented the DPC report with a note that the acreage has been reduced from 1.4 acres indicated on the application to 1.22 acres.

At the March 6, 2013, meeting the Development Process Committee voted on recommendation 1, 2 and 4 and tabled the vote on 3 and 5 pending additional information from the applicant. At the March 20, 2013, meeting the Development Process Committee voted on recommendations 3 and 5. All recommendations forwarded to Planning Commission are as follows:

- 1) DENIAL of the applicant's request for variance from V#101-11 Item H to allow a drive through restaurant on outparcel #5.
- 2) APPROVAL of variance from V#101-11 Item I #1 to modify the 18' build to line to between 50' and 60' from back edge of Ridgewalk Parkway sidewalk.
- 3) APPROVAL of variance from V#101-11 Item I #2 to allow the outdoor seating area to count toward the 60% frontage along Ridgewalk Parkway frontage as shown in the site plan by Grimail Crawford dated 3.26.13.
- 4) APPROVAL of variance from V#101-11 Item I #5 to waive the requirement for 1 functional entrance on each frontage.
- 5) APPROVAL of variance from LDO sec. 7.948 Architectural Standards to allow the modified "Bright and Fresh" Panda Express Prototype. Architecture shall be substantially similar to the Architectural Elevations by Grimail Crawford, dated 3.26.13

More brick was added to come into further compliance with Technology Park and the look of the outlet mall, as seen on elevations, but not included in renderings.

Denial of #1 to allow a drive thru was recommended because Mayor and Council only a year and half ago decided that parcel #5 was not one of the three outparcels eligible for a drive thru and staff did not feel it was appropriate to recommend approval.

Staff feels that the other variances requested, given the topography, with the parcels sitting above Ridgewalk parkway, are appropriate.

APPLICANT

Jeremy Petit – Civil engineer Panda Restaurant Group. The main discussion will be the drive thru.

Kane Lester Regional Real Estate Mgr – Founded in 1983 with 1600 stores (same # as Chick Fil A), all corporate owned that's how we keep the stores open. The drive thru is important, customers expect the convenience, we see this in polling and in dollars; approximately 40% more sales volume than without drive thru. We discussed this with the developer and they said that the drive thru wasn't approved there but felt that we could get one.

My numbers just don't work in terms of sales volume without drive thru. We were told the restriction was to prevent fast food restaurants lined up. We differentiate ourselves as hybrid fast casual with outdoor seating. Although we are going for the drive thru variance we are making every effort to give council what it has asked for in terms of materials, landscaping and site design; the drive thru will not be seen from Ridgewalk Parkway, the speaker will not be facing Ridgewalk Parkway.

To accommodate parking and configuration we are buying a lot that is about a half acre larger than we would typically buy, at a substantial additional cost, in order to meet the restrictions of this site.

We are prohibited from parcel #2 by Chick-Fil-A's restriction of chicken restaurants and also fast food restaurants in general. Added extra drive at parcel 6 to alleviate the traffic issues. Panda

does ¼ the volume of Chick-Fil-A & McDonald's. We are open from 11 am– 10pm, not 24 hrs so no speakers early in the morning and late night.

QUESTION SFOR THE APPLICANT

Jeff Wood – Do you have any locations without drive thru?

Kane Lester – Yes, but total purchase price drives the sales goal. I can't say what Panda would do if the Proforma drops below an acceptable level.

John Szczesniak– Outdoor area?

Kane Lester - Prototype Outdoor seating; 4-6 four tops with umbrellas, movable chairs.

John Szczesniak – Explain Bright and Fresh – is that a painted panda?

Kane Lester – The store on 92 is the old concept, this is new designer, new concept. There are 6 existing. Panda is a mural behind glass. We want to incorporate the brick and other design elements that you want to see, but because this is an Asian concept we still want to have the look and feel of an Asian restaurant.

Judy Davila – Screen wall stops at the parking lot – code calls for parking to be screened – do you plan to landscape?

Jeremy – Code does require parking to be screened and we will provide that; although, because of the height of parcel over the road, you won't be able to see the lot from Ridgewalk Parkway.

Judy Davila – The rendering shows a wall at the sidewalk level.

Jeremy Petit – That is just an artist's rendering – the slope will continue to adjoining parcels.

K. Scott Gordon – Is this site internally drained?

Jeremy Petit – Underground storm drain system.

QUESTIONS FOR STAFF

John Szczesniak – Since the Panda is internal, does it count as a sign?

Jessica Guinn- Since it is visible to the public we would expect that to meet the sign code requirements.

OPEN PUBLIC HEARING

John Rowland - 211 Freelon Ln – I don't think it should go there, stick to parcel 1, 2, 3. Allowing this will set the precedence that others could come in. Wouldn't allow this to come in Downtown Woodstock, don't allow it here. Lights will be shining on our houses –what are they going to do with landscaping on the hill to make it look nice? We don't live in a junky area, we like things nice here. We don't need more drive in restaurants. The mall will be a nice concept, let's not make it look lousy.

Ronnie Smith – 202 Freelon Ln – Nothing against Panda but we feel like we were lied to or misinformed. We were told two drive thrus and the rest high end restaurants. A drive thru is not high end. Sprint has been approved but it isn't a restaurant and rumors of a mattress store at corner of our subdivision. Were told it would not be strip malls lined up that in a couple of years will be empty stores. Agree with John, if it is not good enough for downtown it is not good enough for here.

Jack Tubb 213 Freelon Ln. –The lights were left on last night, lit up my courtyard this morning. Was going to be Avenues – upscale. Now Outlet Mall –downscale. Was assured through variance process that it would be a max of 2 drive thrus – misled on what we were told was going to be there. Lots 1, 2, 3 not in residential area, if they want to go there that's fine but lots 4,5,6,7 is a residential area. This parcel is right behind my back yard.

CLOSE PUBLIC HEARING

John Szczesniak – Read sign definition from code – the panda graphic would be considered sign
Jeff Wood– Regarding the variance to the build-to line. Is it the opinion50-60 based on current grading that is appropriate?

Jessica Guinn – Given the existing grading we felt that was appropriate and it is what was requested by the applicant.

Jeff Wood – Can we get a calculation to see if the panda is in compliance.

Jessica Guinn –The maximum allowed would be the lesser of 160 sq ft or 10% of the building facade. They will be required to submit sign permit application, when they get to that stage.

Jay Evans – Trying to get an idea as to how bright the Panda Graphic is.

Kane Lester – It’s hard to say how bright. On a corridor with other similar signs it does not stand out.

Jeremy Petit- The intent is to illuminate the panda but not project out.

Jay Evans – The Panda is not lit from behind?

John Szczesniak – Are these concepts Dark Skies compliant?

Jeremy Petit – I don’t know, can find out.

Jeff Wood – Can staff offer clarification on Dark Skies for the benefit of the public?

Jessica Guinn– They will be required to submit a photometric plan. Dark Skies is 0.1 foot candle at the property line, not creating spillage to other properties, lights downcast.

MOTION TO DENY ALL VARIANCES REQUESTED.

By John Szczesniak

2ndJudy Davila

I am a fan of Panda for quick casual but it’s the wrong place. The vision for corridor was retail and not strip mall, anchor stores; more walkable traffic. This doesn’t fit that model.

This is right across from neighborhood. The developer did not do any service to the buyer by telling him that he would not have any trouble getting the variance to but a drive thru here. Great project, bright and fresh and giant panda scares me across from neighborhood. I don’t see a way to support the variances but not drive thru.

Last note in our process to consider is “relief would impair the intent of the ordinance”. The intent of the ordinance was to restrict this parcel to a drive thru. This would impair the intent of the ordinance.

Judy Davila –I was in attendance at the meetings and this is not the look and feel for the area. Spread out traffic flow in another area would be more appropriate. Look and feel not what the neighbors were looking for.

Jay Evans – Will support the motion. Most concerned over 2 of the variances; 1) The drive thru made very clear intent for parcels 1, 2, and 3. I don’t see a reason to reverse council’s visions for the property; I am in support of that. 2) Concerned about the “bright” not necessarily the “fresh”. I live in Downtown and if it were across from my house I would have some concerns as well.

Jeff Wood – Agree but concerned with denial of all variances. Denial would allow the applicant to build to Tech Park design standards – completely outside the architectural vision. Fast food was put up next to expressway to get that hustle and bustle away from the residential a little bit. Support motion but leaves the gate open to build under existing.

John Szczesniak – I don’t like giving a blanket denial because it doesn’t give council an idea of where we were going with it. Knowing that the church is going in down there and what they’re doing with their project, to me, it’s going to garner more attention for a project that is going to fit with what that end of the project is pushing. And I also don’t think that we should be determining if they can get a drive thru.

Jeff Wood - I think the denial of the drive thru is valid based on the community vision meetings.

K. Scott Gordon – It is unfortunate because this group and staff and a lot of folks in the city worked very hard on the Ridgewalk Plan which would have alleviated this discussion. To make matters worse our developer has led folks to believe things that may or may not be true, and allowed restrictions to be placed on parcels which bring us to where we are today. It's an absolute travesty because all of that hard work that went into the Ridgewalk plan – a back was turned on it. It was decided that the plan wasn't important for this particular piece of property and that's why we're having the issues we're having today. We're going to see these requests every month until all of these parcels are all dealt with. I share Jeff's position that I'm not in support of denial of all because they have followed due process and to the applicant - Great package here and the fact that you worked with what we're trying to do – here's a group that really worked hard to achieve what others have said they can't do. I'm inclined to let council work it out since they are the ones who bypassed Ridgewalk

James Drinkard– With any development of this size you're going to run into variances on things like setback. I think staff gave us a good recommendation, and this is not the time or place to discuss the drive thru issue. My strong recommendation given the way this issue keeps coming back up would be that the main developer of the outlet mall needs to come forward if they don't feel the drive thru limitation is workable. They need to come back, not send each outparcel piece meal. Other variances being requested I'm not surprised by. It's the kind of thing I would expect to see. Staff gave us a great recommendation and they will have to live within the code with things like signage and lighting.

Jeff Wood – Concerned with the message we're sending to council – prop owner has right to build a restaurant – not for us to say otherwise.

John Szczesniak – I agree in principle but this was the main reason I was on Planning Commission. I live right across the interstate and have a lot to gain or lose. At the end of the day this is not the vision we have for the project and can't support a restaurant right across from that neighborhood. Scott made a good point, we asked for no drive thru restaurants and Council made the condition of 2.

SUBSTITUTE MOTION TO RECOMMEND APPROVAL AS RECOMMENDED BY STAFF. (Denial of 1, approval of 2, 3, 4, 5)

By Jeff Wood

2nd Jay Evans

Jeff Wood – This sends a better message – not our job to say you can't put a restaurant; just not a drive thru.

Judy Davila – I could not support it because that architectural style does not fit across from the neighborhood and does not fit with the architectural style of the mall.

Motion passes 4 – 2 (John Szczesniak and Judy Davila opposed)

This case will be forwarded to Council on April 22, 2013

K. Scott Gordon– I strongly suggest that you in attendance carry this all the way through to council. This group has heard you loud and clear. If you go back and listen to the original discussions related to these properties you would have heard a lot of things that you'd have agreed with, but this has fallen off of our sphere of influence and you're going to need to take it to the next level.

Item 5: OLD BUSINESS

Planning Commission Meeting

Draft Minutes(2) 4.4.13

Item 6: NEW BUSINESS

Item 7: PROJECT UPDATES

Jessica Guinn - Have reviewed all but 30 outlet shoppes plans. 1st quarter of 2013 63 sf permits / 48 last year in the same quarter. Single Family development is up in Woodstock.

Jay Evans – Not the first time we have heard that the lights are bright out there, how are the Dark Skies standards monitored and how is compliance enforced.

Jessica Guinn – I will go back and check the history and the photometric plans.

Next month we have the Hennessy Variance and Conditional Use Permit Application.

James Drinkard requested the facts of the Hennessy case previously approved by council be made available to Planning Commission prior to next month's meeting.

Item 8: FINAL ADJOURNMENT